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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 10/787,469

Group Art Unit: 3732

Filed: Feb. 26, 2004

Examiner:

For: ANNULUS FIBROSIS AUGMENTATION METHODS AND APPARATUS

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR BEFORE MAILING
OF FIRST OFFICE ACTION (37 CFR 1.97(b))**

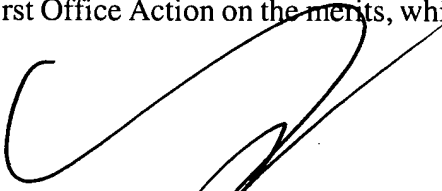
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 CFR 1.97(b).

Date: Nov. 2, 2004

Reg. No.: 37,424

Tel. No.: 734/913-9300

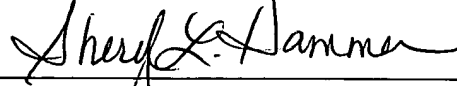


John G. Posa
GIFFORD, KRASS et al.
280 N. Old Woodward Ave., Ste 400
Birmingham, MI 48009
FAX 734/913-6007

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: 11/2/04



Sheryl L. Hammer



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

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For: ANNULUS FIBROSIS AUGMENTATION METHODS AND APPARATUS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the references listed on attached Form PTO-1449 be considered by the Examiner and made of record. The above-referenced application is a continuation-in-part of U.S. patent application Serial No. 10/120,763, filed April 11, 2002 in which all of the listed references were cited in an Information Disclosure Statement. In accordance with 37 C.F.R. §1.98(d), copies of the listed references are not required.

In accordance with 37 C.F.R. §1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possible material information as defined in 37 C.F.R. §1.56(a) exists. In accordance with 37 C.F.R. §1.97(h) the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

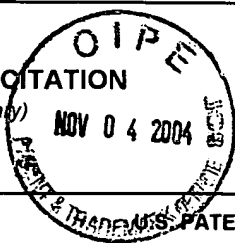
Respectfully submitted,

By: 

John G. Posa
Reg. No. 37,424

Date: Nov. 2, 2004

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. BAF-10404/29	APPLICATION NO. 10/787,469
	APPLICANT(S) Ferree	
	FILING DATE Feb. 26, 2004	GROUP ART UNIT 3732



U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,677,369	5/4/1954	Knowles	128	92	
	3,366,975	2/6/1968	Pangman	3	36	
	3,426,364	2/11/1969	Lumb	3	1	
	3,551,560	12/29/1970	Thiele	424	95	
	3,593,342	7/20/1971	Niebauer	3	1	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,648,294	3/14/1972	Shahrestani	3	1	
	3,855,638	12/24/1974	Pilliar	3	1	
	3,867,728	2/25/1975	Stubstad et al	3	1	
	3,878,595	4/8/1975	Froning	3	1	

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

			Steven Frick MD, SPINE, Vol. 19, No. 16, pp. 1826-1835, 1994
			Orthopedics Today, July 2000

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	3,883,902	5/20/1975	Lynch	3	36	
	4,229,839	10/28/1980	Schwemmer	3	1.91	
	4,309,777	1/12/1982	Patil	3	1.91	
	4,439,921	9/21/1982	Kuntz	3	1	
	4,707,872	11/24/1987	Hessel	5	451	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,714,469	12/22/1987	Kenna	623	17.11	
	4,759,766	7/26/1988	Buettner-Janz et al	623	17.11	
	4,801,299	1/31/1989	Brendel et al	623	17.11	
	4,863,477	9/5/1989	Monson	623	17.11	

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

			"Proceedings 14th Annual Meeting," North American Spine Society, October 1999
			"Proceedings 13th Annual Meeting," North American Spine Society, October 1998

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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,874,389	10/17/1989	Downey	623	17	
	4,904,261	2/27/1990	Dove et al	623	17	
	4,911,718	3/27/1990	Lee et al	623	17	
	4,917,704	4/17/1990	Frey et al	623	17	
	4,946,378	8/7/1990	Hirayama et al	623	17	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,002,576	3/26/1991	Furhmann et al	623	17	
	5,035,716	7/30/1991	Downey	623	17	
	5,071,437	12/10/1991	Steffee	623	17	
	5,108,438	4/28/1992	Stone	623	17	

FOREIGN PATENT DOCUMENTS

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		5,171,280	12/15/1992	Baumgartner	623	17	
		5,171,281	12/15/1992	Parsons et al	623	17	
		5,246,458	9/21/1993	Graham	623	17	
		5,258,031	11/2/1993	Salib et al	623	17	
		5,263,953	11/23/1993	Bagby	606	61	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,314,477	5/24/1994	Marnay	623	17	
		5,320,644	6/14/1994	Baumgartner	623	17	
		5,370,697	12/6/1994	Baumgartner	623	17	
		5,375,823	12/27/1994	Navas	267	195	

FOREIGN PATENT DOCUMENTS

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		5,401,269	3/28/1995	Buettner-Janz et al	623	17	
		5,425,773	6/20/1995	Boyd et al	623	17	
		5,458,642	10/17/1995	Beer et al	623	17	
		5,464,439	11/7/1995	Gendler	623	16.11	
		5,514,180	5/7/1996	Heggeness et al	623	17.11	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,534,028	7/9/1996	Bao et al	623	17	
		5,534,030	7/9/1996	Navarro et al	623	17	
		5,554,191	9/10/1996	Lahille et al	623	17	
		5,556,431	9/17/1996	Buettner-Janz et al	623	17	

FOREIGN PATENT DOCUMENTS

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,609,635	3/11/1997	Michelson	623	17	
		5,643,329	7/1/1997	Solomonow et al	607	43	
		5,645,596	7/8/1997	Kim et al	623	17	
		5,653,763	8/5/1997	Ericco et al	623	17	
		5,674,294	10/7/1997	Bainville et al	623	17	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,674,296	10/7/1997	Bryan et al	623	17	
		5,683,465	11/4/1997	Shinn et al	623	17	
		5,702,450	12/30/1997	Bisserie	623	17	
		5,711,960	1/27/1998	Shikunami	424	426	

FOREIGN PATENT DOCUMENTS

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,776,196	7/7/1998	Matsuzaki et al	623	17	
		5,782,919	7/21/1998	Zdeblick et al	623	17	
		5,824,094	10/20/1998	Serhan et al	623	17	
		5,865,845	2/2/1999	Thalgott	623	17	
		5,865,846	2/2/1999	Bryan et al	623	17	

U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,865,847	2/2/1999	Kohrs et al	623	17	
		5,865,848	2/2/1999	Baker	623	17	
		5,885,287	3/23/1999	Bagby	606	17	
		5,888,226	3/30/1999	Rogozinski	623	17	

FOREIGN PATENT DOCUMENTS								
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,888,227	3/30/1999	Cottle	623	17	
		5,893,390	4/13/1999	Pisharodi	623	17.11	
		5,893,889	4/13/1999	Harrington	623	17	
		5,895,427	4/20/1999	Kuslich et al	623	17	
		5,897,593	4/27/1999	Kohrs et al	623	17	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,899,941	5/4/1999	Nishijima et al	623	17	
		5,906,616	5/25/1999	Pavlov	606	61	
		5,928,284	7/27/1999	Mehdizadeh	623	17	
		5,964,807	10/12/1999	Gan et al	623	17.11	

FOREIGN PATENT DOCUMENTS

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,102,950	8/15/2000	Vaccaro	623	17.11	
		6,022,376	2/8/2000	Assell et al	623	17.16	
		6,060,053	5/9/000	Atala	424	93.7	
		6,077,987	6/20/000	Breitbart et al	623	11.11	
		6,090,112	7/18/2000	Zucherman et al	606	61	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,989,291	11/23/1999	Ralph et al	623	17.13	
		6,019,793	2/1/2000	Perren et al	623	17.11	
		6,066,325	5/23/2000	Wallace et al	424	400	
		6,110,210	8/29/2000	Norton et al	623	17.16	

FOREIGN PATENT DOCUMENTS

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,113,639	9/5/2000	Ray et al	623	17.16	
		6,117,174	9/12/2000	Nolan	623	17.11	
		6,143,032	11/7/2000	Schafer et al	623	17.11	
		6,146,420	11/14/2000	McKay	623	17.11	
		6,183,518	2/6/2001	Ross et al	623	17.16	

U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,187,048	2/13/2001	Milner et al	623	17.12	
		6,190,414	2/20/2001	Young et al	623	17.15	
		6,193,757	2/27/2001	Foley et al	623	17.16	
		6,197,586	3/6/2001	Bhatnagar et al	435	395	

FOREIGN PATENT DOCUMENTS								
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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,206,922	3/27/2001	Zdeblick et al	623	17.11	
		6,221,109	4/24/2001	Geistlich et al	623	17.11	
		6,231,615	5/15/2001	Preissman	623	23.73	
		6,245,107	6/12/2001	Ferree	623	17	
		6,245,108	6/12/2001	Biscup	623	17.11	

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		6,352,557	3/5/2002	Ferree	623	17.11	
		6,371,990	4/16/2002	Ferree	623	17.16	
		6,419,702	7/16/2002	Ferree	623	17.11	

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		6,419,704	7/16/2002	Ferree	623	17.12	
		4,413,359	11/8/1983	Akiyama et al	3	1	
		4,512,338	4/23/1985	Balko et al	128	1R	
		4,663,358	5/5/1987	Hyon et al	521	64	
		4,772,287	9/20/1988	Ray et al	623	17	

U.S. PATENT APPLICATION PUBLICATIONS

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		4,904,260	2/27/1990	Ray et al	623	17	
		4,932,969	6/12/1990	Frey et al	623	17	
		5,015,255	5/14/1991	Kuslich	623	17	

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		5,100,422	3/31/1992	Berguer et al	606	151	
		5,147,374	9/15/1992	Fernandez	606	151	
		5,171,278	12/15/1992	Pishrodl	623	17	
		5,192,326	3/9/1993	Bao et al	623	17	
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,258,043	11/2/1993	Stone	623	66	
		5,304,194	4/19/1994	Chee et al	606	191	
		5,342,394	8/30/1994	Matsuno et al	606	213	
		5,370,660	12/6/1994	Weinstein et al	606	215	
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INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. BAF-10404/29	APPLICATION NO. 10/787,469
	APPLICANT(S) Ferree	
	FILING DATE Feb.26, 2004	GROUP ART UNIT 3732

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,390,683	2/21/1995	Pisharodi	128	898	
		5,425,772	6/20/1995	Brantigan	623	17	
		5,540,715	7/30/1996	Katsaros et al	606	213	
		5,545,229	8/13/1996	Parsons et al	623	17	
		5,562,736	10/8/1996	Ray et al	623	17	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,645,597	7/8/1997	Krapiva	623	17	
		5,681,310	10/28/1997	Yuan et al	606	61	
		5,716,416	2/10/1998	Lin	623	17	
		5,800,549	9/1/1998	Bao et al	623	17	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,800,550	9/1/1998	Sertich	623	17	
		5,824,093	10/20/1998	Frey et al	623	17	
		5,827,328	10/27/1998	Butterman	623	17	
		5,879,366	3/9/1999	Shaw et al	606	213	
		5,916,225	6/29/1999	Kugel	606	151	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,976,174	11/2/1999	Ruiz	606	213	
		5,976,186	11/2/1999	Bao et al	623	17	
		6,024,754	2/15/2000	Engelson	606	213	
		5,123,926	6/23/1992	Pisharodi	623	17	

FOREIGN PATENT DOCUMENTS

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	Applicant(s) Ferree	
	Filing Date Feb. 26, 2004	Group Art Unit 3732

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,224,630	5/1/2001	Bao et al	623	17.16	
		6,491,724	12/10/2002	Ferree	623	17.11	
		6,425,919	7/30/2002	Lambrech	623	17.16	
		4,743,256	5/10/1988	Brantigan	128	898	
		6,007,570	12/28/1999	Sharkey et al	606	15	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,496,318	3/5/1996	Howland et al	606	53	
		5,059,193	10/22/1991	Kuslich	606	60	
		5,571,189	11/5/1996	Kuslich	623	17.12	
		6,132,465	10/17/2000	Ray et al	623	17.16	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

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	Applicant(s) Ferree	
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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,264,695	7/2001	Stoy	623	17.16	
		6,488,710	12/2002	Besselink	623	17.15	
		5,549,679	8/1996	Kuslich	623	17.12	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		2002/0147497	10/2002	Belef et al	623	17.12	
		2003/0074075	4/2003	Thomas et al	623	17.16	
		2002/0077701	6/2002	Kuslich	623	17.12	

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